

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 09-024(2) (MJD/FLN)

United States of America,

Plaintiff,

v.

Mahamud Said Omar,

Defendant.

**DEFENDANT OMAR'S MOTION FOR
DISCLOSURE OF PRISON CELL AND
LAWYERS VISITING ROOM
RECORDINGS UNDER 28 C.F.R.
§501.3(a) AND (d) OR ANY OTHER
AUTHORITY**

Defendant Mahamud Said Omar, by and through his undersigned counsel, moves the Court for an order directing the government to make the following disclosures immediately:

1. Whether pursuant to 28 C.F.R. §501.3(a), or any other authority, the government implemented “special administrative measures,” against Mr. Omar at any place of his custody, including in the Netherlands and in the United States, to protect persons against the risk of acts of violence or terrorism.
2. If the government did implement “special administrative measures,” the precise nature of the “substantial risk that a prisoner’s communications or contacts with persons could result in death or serious bodily injury” under 28 C.F.R. §501.3(a) or any other authority.
3. Whether, pursuant to 28 C.F.R. §501.3(d), or any other authority, the government provided or used any procedures for the monitoring or review of communications between the defendant and his attorneys or his attorneys’ agents who are

traditionally covered by the attorney/client privilege, including in the Netherlands and the United States.

4. If the government did use procedures to monitor or review communications between the defendant and his attorneys or attorneys' agents, including in the Netherlands and the United States, pursuant to 28 C.F.R. §501.3(d), or any other authority, the details of any monitored or reviewed communications, including but not limited to the parties, dates, times, places, a copy of any tape recordings made, a copy of any transcripts made, and the precise nature of the ". . . reasonable suspicion . . . to believe that . . . [defendant] may use communications with attorneys or their agents to further or facilitate acts of terrorism."

This motion is made upon the grounds stated in the supporting memorandum and upon the indictment and all the files and records in this case.

Dated: February 14, 2012

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